

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13437 of B and G Acquisition, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the 900 square foot minimum lot area requirements (Sub-section 3301.1) to use the first, second and third floors of the subject premises as an apartment house consisting of three units in an R-4 District at the premises 1862 Ingleside Terrace, N.W., (Square 2616, Lot 55).

HEARING DATE: April 15, 1981

DECISION DATE: June 3, 1981

FINDINGS OF FACT:

1. The subject application was scheduled for the Public Hearing of February 18, 1981. The applicant failed to comply with Section 3.3 of the Supplemental Rules of Practice and Procedure before the BZA in that he posted the subject property for a period of six days prior to the Public Hearing instead of the required ten days. Also, the notices that were sent out by the staff listed the subject property as 1826 instead of 1862 Ingleside Terrace. The application was readvertised and heard on April 15, 1981.

2. The subject site is located on the south side of Ingleside Terrace between 18th and 19th Streets and is known as 1862 Ingleside Terrace, N.W. It is in an R-4 District.

3. The subject site measures 1,987.85 square feet in area. It is basically flat and rectangular in shape. The site is improved with a three story row structure.

4. A Certificate of Occupancy, No. B-62775, was issued August 5, 1968 for a flat, one unit first floor and one unit, second and third floors.

5. The applicant purposes to use the first, second and third floors of the subject premises as an apartment house consisting of three units. The first and second floors will be one bedroom units. The third floor will be an efficiency.

6. Sub-section 3301.1 of the Zoning Regulations provides that a conversion to an apartment house containing three or more units requires 900 square feet of lot area for each unit within the building. The applicant seeks a variance of 712.15 square feet.

7. The house was purchased in July, 1979 with the intention of having three units. There is a bathroom and kitchen on each floor. The purchase price was \$92,000.00.

8. The applicant testified that the subject premises was purchased as a package deal. Four other dwellings were purchased at the same time.

9. The applicant is renting the first floor apartment at a monthly rental of \$250.00. It is proposed that the second floor unit will rent for \$210.00 and the third floor unit for \$180.00.

10. The applicant testified that the house will not carry itself financially unless there is a third unit for rent. If the application is not granted, the applicant may rent the second and third floor as a duplex unit or sell the property.

11. The applicant testified that he did not contact the adjoining property owners for their recommendation and that he was unaware of an ANC.

12. At the close of the Public Hearing the Board left the record open for the applicant to submit recommendations from the ANC, the adjoining property owners and to submit specifications as to the floor area of all three units.

13. By letter of May 7, 1981 the applicant was advised that he had failed to submit the additional information requested by the Board. He was requested to submit same by May 27, 1981 and if the evidence was not received the Board would proceed to determine the application on the then existing record. The evidence was never received.

14. There was no opposition to the application.

15. Advisory Neighborhood Commission - 1E made no recommendation on the application.

CONCLUSIONS OF LAW

Based on the record the Board concludes that the applicant is seeking an area variance the granting of which requires proof of a practical difficulty inherent in the property itself. The Board concludes that there is no such difficulty. The site is basically rectangular in shape and flat. The difficulty is a financial one that is personal to the applicant. Such a difficulty is not a basis for granting an area variance. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-0(Douglas J. Patton, William F. McIntosh and Connie Fortune to deny, Charles R. Norris not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 31 AUG 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."